

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

<b>UNITED STATES OF AMERICA</b> <i>Plaintiff</i>	§ § § § § § §	<b>1:21-cr-00132-LY-1</b>
<b>v.</b>		
<b>AARON ROBERT COMBS (1)</b> <i>Defendant</i>		

**Order On Petition for Action on Conditions of Pretrial Release**

This matter came before the Court on May 13, 2022, for a hearing on the Pretrial Services Office’s Petition for Action on Conditions of Release, filed May 9, 2022 (the “Petition”) (Dkt. 67). The revocation proceeding was held in accordance with the Federal Rules of Criminal Procedure and 18 U.S.C. § 3148.

On July 20, 2021, a grand jury indicted Defendant Aaron Robert Combs on one count of conspiracy to distribute fentanyl, in violation of 21 U.S.C. §§ 846 and 841. Defendant was arrested on July 29, 2021, and ordered released on conditions the same day. Dkt. 19. Defendant pled guilty on May 9, 2022, to a superseding information charging him with possession with intent to distribute fentanyl, in violation 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C). Dkt. 65. Sentencing is set for August 17, 2022. Dkt. 66.

The Petition alleges that Defendant has violated the following conditions of his release:

(7)(m) The defendant must not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

Specifically, the Petition alleges that Defendant submitted a urinalysis specimen that was confirmed positive for the presence of methamphetamine on April 6, 2022. Defendant denies use of methamphetamine, and prior and subsequent tests have returned negative results. Defense

counsel argued that it appears a mistake was made in processing Defendant's specimen, particularly given that it also returned a negative result for a drug Defendant takes that is prescribed by his doctor.

The Court has carefully considered the Pretrial Services Report, the Petition, and the arguments of counsel for Defendant and for the Government at the revocation hearing. Pursuant to 18 U.S.C. § 3148(b)(1)(B), the Court finds that it was not established by clear and convincing evidence at the hearing that Defendant has violated condition (7)(m) of his release by unlawfully using a controlled substance.

Accordingly, it is **ORDERED** that the Petition for Action on Conditions of Release (Dkt. 67) is **DENIED**. Defendant is admonished that he must abide by all conditions of pretrial release in the Court's Order Setting Conditions of Release (Dkt. 19).

**SIGNED** May 13, 2022.



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SUSAN HIGHTOWER  
UNITED STATES MAGISTRATE JUDGE